Attachment 1

Public Comments

December 8, 2005 Sarah Fields (Glen Canyon Group / Sierra Club) Comments (Received via email December 8, 2005)

January 5, 2006 Sarah Fields (Glen Canyon Group / Sierra Club) Comments (Received via email January 5, 2005)

November 10, 2005 William E. Love Comments (Received via email on November 10, 2005)

December 22, 2005 Ken Sleight Comments (Received via email on December 22, 2005)

From: "Sarah M. Fields" <sarahmfields@earthlink.net>
To: Loren Morton <lmorton@utah.gov>
Date: 12/8/2005 12:01:54 AM
Subject: IUSA March 8 Application to Process FMRI Material

Dear Loren,

Thank you for your reply to my request for records.

I have a few question regarding the DRC Safety Evaluation Report (SER) for the Fansteel Alternate Feed Material, International Uranium (USA) Corporation (IUSA), White Mesa Uranium Mill, March 8, 2005, Application.

QUESTIONS:

1. Has the DRC taken the trouble to look at any NRC records pertaining to the FMRI, Inc. (subsidiary of Fansteel set up after the Fansteel bankruptcy to carry out decommissioning of the Muskogee site) facility?

2. On page 3 of the SER it states that the Fansteel facility processed natural ores from 1960 to 1989. According to NRC records, the facility started processing in 1956. Why the conflicting dates?

3. The FMRI facility processed tin slag from international sources. Is tin slag from the processing of tin ores considered to be a "natural ore"? Based on what?

4. On page 4, it states that the material proposed to be sent consists of ancillary drummed material, pond surrounding soils, and debris.

In the IUSA application I find no data pertaining to either the radiological or non-radiological constituents of the drummed material or the soils surrounding the ponds.

Why is there no information in the Application and the SER documenting the radiological and chemical constituents of the soils and barreled materials.

5. Ponds 2 and 3 are surrounded by contaminated soils. FMRI will be required to clean up this material. How much of the soils surrounding the ponds will go to White Mesa?

What will be the criteria for determining what surrounding material will go to White Mesa and what will not?

Since the DRC has no authority over the decommissioning and cleanup

of the FMRI facility, how will the DRC assure that any specific criteria will be met?

6. How will IUSA "process" the debris for its source material content?

7. On page 7 of the SER there are two tables. The first refers to Ponds 1 and 2. According to the March 8 IUSA application and the discussion in the SER, the ponds in question are Ponds 2 and 3. Why are they referred to as Ponds 1 and 2 in the SER?

8. The table the lists the radiological constituents in Pond 2 (actually Pond 3) under U-234 lists the Min as 1770 pCi/g. Then the Max concentration is supposedly 1000 pCi/g. Here the minimum is more than the maximum. If you add 1770 (Min) and 1000 (Max) and divide by 2 you get an average 1350. Most likely there is an extra 0, and the Min should be 177. This gives an average pCi/g of 588 (almost 598, but to get the averages FMRI factored in all the data points). Seems like the IUSA table was copied into the SER, but not checked for accuracy.

9. The table at the bottom of page 7 of the SER compares the FMRI material with the WR Grace, Heritage, and Maywood materials. The WR Grace material was never shipped to the IUSA mill, nor was the Maywood material. What exactly is the rationale behind comparing the FMRI material with material that will never (WR Grace) and probably will never (Maywood) be received, processed, and disposed of at the mill?

10. IUSA has a Standard Operating Procedure (SOP) for high thorium content material. They supposedly used this procedure for processing the Heritage material. There is no mention in the application or the SER of the use of this SOP. Will IUSA be required to use this procedure? If not, why not?

12. In the application IUSA gives a bit of information regarding the history of Pond 3. However, IUSA and Ms. Tischler fail to mention that the current Pond 3 consists of an old Pond 3 and a Pond 4, which were reconfigured. There is no information in the application regarding what Pond 4 was used for, what happened to the Pond 4 materials, or how much contamination from Pond 4 there will be in the contaminated soils.

What exactly went into the current Pond 3? Why was this information about the existence of Pond 4 and the reconfiguration of the ponds left out of the application? Will parts of the old

Pond 4 not part of Pond 3 be part of the contaminated soils sent to the IUSA mill? Where exactly was the old Pond 4 located? Don't you think that the DRC should have this information?

Information re Pond 4:

"The original Pond 3 was smaller and occupied approximately the eastern half of its current location. No information was available about whether this pond was lined. The current Pond 3 was expanded in 1979, encompassing most of Pond 4, and a synthetic liner was laid down. The areas of Pond 4 that were not incorporated into the new Pond 3 were filled in with soil. It is not clear whether Pond 4 was lined, or what was done with the waste contained in it."

Considering that the greatest groundwater contamination at the FMRI site is down gradient from Pond 3, it is reasonable to conclude that it and Pond 4 were not lined originally.

13. How did the DRC determine that there was sufficient data to determine the radiological and not radiological constituents of Pond 2 and Pond 3?

14. Does the DRC have any information regarding when and how the sampling was done? What the sampling methodology was? How many samples were taken?

15. Did the DRC request a copy of all information referenced by Ms. Tischler in the March 8, 2005, application?

That's enough for now.

Sincerely,

Sarah M. Fields

Glen Canyon Group/Sierra Club

P.O. Box 622
Moab, Utah 84532

January 5, 2006

Division of Radiation Control
Utah Department of Environmental Quality
P.O. 144850
Salt Lake City, Utah 84114-4850.

RE: Comments on Safety Evaluation Report for the International Uranium (USA) Corporation White Mesa Uranium Mill, San Juan County, Utah: In Consideration of an Amendment to Radioactive Source Material License No. UT 1900479 and Ground Water Quality Discharge Permit No. UGW370004 for the Receipt, Storage, and Processing of Fansteel FMRI Alternate Feed Material, prepared by the Utah Department of Environmental Quality, Division of Radiation Control, November 2, 2005.

I. Review of SER by Sections.

As will be shown below, the Safety Evaluation Report (SER) lacks a basis in fact and law. The SER reflects an incomplete and insufficient DRC review of application.

Comments on the SER will follow the outline of the SER.

The SER is an evaluation of the environmental impacts associated with a proposal by International Uranium (USA) Corporation (IUSA) to process radioactive waste from the FMRI, Inc. (formerly Fansteel, Inc.) facility in Muskogee, Oklahoma. The FMRI facility is licensed by the Nuclear Regulatory Commission (NRC) under a source material license SMB- 911, Docket No. 40-7580. FMRI is a wholly owned subsidiary of Fansteel, Inc., and was established to carry out the decommissioning of the Muskogee Facility as part of a bankruptcy proceeding. According to the SER, the IUSA application for a license amendment was submitted on March 8, 2005, and supplemented on by letters dated April 1, June 22, and July 19, 2005 (Application).

A. Section 1.1 — Background and Need for Proposed Action

Comments:

1. The SER (page 1) lists four documents as comprising the IUSA Application. Additional letters and information was submitted to the Division of Radiation Control (DRC). IUSA submitted additional information to the DRC as part of the application process:

- September 9, 2005, Memo from Tetra Tech to Harold Roberts, IUC, re Survey of Reference Partition coefficient Values for Trace Heavy Metals, e-mailed to DRC.
- September 26, 2005, memo from IUSA to Loren Morton, DRC, re Analysis of Parameters
- September 26, 2005 memo re Monitoring Parameters from Tetra Tech EM, Inc. to IUSA, forwarded to DRC
- October 4, 2005 IUSA Forwards signed Memoranda dated September 26, 2005, IUC and Tetra Tech EM, Inc.

There may be other submittals from the IUSA that were considered in the application review process. Additionally, there was a May 16, 2005, letter from the DRC to IUSA requesting additional information.

The SER should list ALL documents and electronic correspondence submitted to the DRC by IUSA as part of the application process. The May request for additional information should be listed, too.

2. The SER (page 1, paragraph 1) states that "The proposed amendment would allow IUSA to receive and process up to 32,000 tons of alternate feed material from the Muskogee Facility."

The question arises of what "alternate feed material" is under statute and regulation. There is no definition of or mention of the term "alternate feed material" in the Atomic Energy Act of 1954 (AEA), as amended. There is no definition of or any mention of "alternate feed material" in the Environmental Protection Agency (EPA) and NRC regulations that were promulgated to implement the Uranium Mill Tailings Radiation Control Act of 1978 (amendment to the AEA). Only in State of Utah statute is there a definition of "alternate feed material." The applicable Utah Code states:

> Section 19-3-105. Definitions -- Legislative and gubernatorial approval required for radioactive waste license -- Application for new, renewed, or amended license.
>
> (1) As used in this section:
>
> (a) "Alternate feed material" has the same definition as provided in Section 59-24-102.

Section 59-24-102. Definitions.

As used in this chapter:

(1) (a) "Alternate feed material" means a natural or native material:

(i) mined for the extraction of its constituents or other matter from which source material may be extracted in a licensed uranium or thorium mill; and

(ii) may be reprocessed for its source material content.

(b) "Alternate feed material" does not include:

(i) material containing hazardous waste listed under 40 C.F.R. Part 261, Subpart D;

(ii) natural or unprocessed ore; or

(iii) naturally occurring radioactive materials containing greater than 15 picocuries per gram of radium-226.

(2) "Byproduct material" is as defined in 42 U.S.C. Sec. 2014(e)(2).

Section 59-24-102 clearly states that "'alternate feed material' does not include . . . naturally occurring radioactive materials containing greater than 15 picocuries per gram of radium-226." The SER contains a table (page 7) that provides data with respect the radium content of Pond 1 and Pond 2 materials (actually Ponds 2 and 3 of the Muskogee Facility). The radium-226 content ranges from 138 to 400 picocuries per gram (pCi/g). This is far greater than 15 pCi/g radium-226. Additionally, the table indicates that the radium-228 content is from 94 to 680 pCi/g. Radium-228 (a decay product of thorium-232) and radium-224 (also a decay product of thorium-232) are more highly radioactive than radium-226 (a decay product of uranium-238).

The SER must explain whether the Pond 2 and Pond 3 material from the Muskogee facility meets or does not meet the Utah statutory definition of "alternate feed material" and provide a basis for that determination.

If the FMRI material does not meet the Utah statutory definition of "alternate feed material," the SER must explain what statutory definition it does meet.

The SER must also state and substantiate the federal statutory definitions applicable to the FMRI materials.

3. The SER (page 1, paragraph 2) states that "the FMRI materials are residues resulting from processing ores for the extraction of tantalum and niobium." According to the 2003 Fansteel decommissioning plan:

> The raw materials containing the tantalum and columbium [niobium] oxides that were processed by the Fansteel facility consisted of the following types:
>
> - Tin-smelting slag

- Natural ores
- Chemically or physically upgraded ores and concentrates

Unless the DRC considers tin slag to be "ore," the SER should recognize that materials other than "ore" were processed at the Muskogee facility.

The SER should also acknowledge that the DRC does not have complete data on the processing history of the Fansteel Facility. The facility operated from 1956 (or 1958; the accounts differ) to 1967 without a source material license.

4. The SER (page 1, paragraph 4) states "IUSA is requesting that the material be received and processed for its source material content."

According to the Application, IUSA intends to process the FMRI material for only some of its source material contents, i.e., its uranium content. "Source material" as defined by the Atomic Energy Act of 1954, as amended, and NRC regulation that has been incorporated into State of Utah regulations (R313) defines the type of source material herein as "(1) Uranium or thorium, or any combination thereof, in any physical or chemical form." See 10 C.F.R. Section 40.4. The FMRI material contains both uranium (U 234, U 235, and U 238) and thorium (Th 228 and Th 232).

The SER should state that IUSA intends to process the FMRI material for only part of its source material content. The SER should state that IUSA only intends to extract the source material uranium content and will dispose of its source material thorium content in the tailings disposal impoundment.

5. IUSA does not have a license to possess source material thorium (thorium-232 and progeny). IUSA has only a license to possess source material uranium. The FMRI license clearly states that that FMRI is licensed to possess both source material uranium and source material thorium.

The SER should address the need for IUSA to request a license amendment authorizing it to possess source material thorium if it is to receive and dispose of the FMRI source material thorium.

B. Section1.2 — Previous Alternate Feed Proposals

Comments:

1. The SER references the NRC Regulatory Issues Summary 2000-23 (RIS 2000-23) and its criteria. Here, the DRC fails to include the title of the NRC policy guidance and fails to mention that this guidance is not a statute or regulation, and does not have the force and effect of law. The SER fails to reference any federal statute or regulation that would provide a basis for the criteria listed in the SER (pages 2 and 3).

The SER should reference and discuss any federal statute or regulation that would provide a basis for the criteria listed in the SER (pages 2 and 3).

2. The SER lists three criteria for decision making regarding the acceptance of alternate feed material (also known as feed material other than natural ore, that is, radioactive waste from other mineral processing operations). The first criterion deals with the redefinition of the radioactive waste as "ore." Neither the NRC RIS 2000-23 nor the decision by the State of Utah to permit the processing of alternate feed materials were decisions that were the subject of public notice and comment. These determinations and documents are not statutes or regulations and lack force and effect.

There is no statutory basis for redefining radioactive waste from one mineral processing operation as "ore" in order to facilitate the processing of the waste in another mineral processing operation.

3. The term "ore" as used in the Atomic Energy Act of 1954 (AEA), as amended, and applicable NRC and EPA regulations only includes material that is natural ore. The Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA) that amended the AEA, the NRC and EPA regulations promulgated in response to that statute, and the background generic NRC and EPA Environmental Impact Statements in support of the regulations did not in any manner contemplate the processing the feed materials other than natural ore at uranium recovery facilities. Neither the AEA nor NRC and EPA regulations have been amended to provide for a regulatory program that contemplates the use uranium recovery facilities for the disposal of wastes from the processing of feed materials other than natural ore. There is no programmatic NRC or EPA Environmental Impact Statement that evaluates the environmental impacts of or assesses the risks associated with the use of uranium recovery facilities for the processing and disposal of feed materials other than natural ore.

In sum, there is no statutory or regulatory basis for the programmatic use of a uranium mill as a radioactive waste disposal facility or the processing of uranium-bearing radioactive wastes or any other materials other than natural ore.

4. The second criterion deals with whether the feed material contains hazardous waste. In other words, is the waste from the Muskogee Facility mixed radioactive and hazardous waste? The SER states that the FMRI material is tailings from the processing of ore. How the material can be material from the processing of ore and also be "ore" per criteria is not explained.

The SER should explain how and when the FMRI will be transformed from "material from the processing of ore" back into "ore."

The SER must explain, with specificity and particularity, what exactly must take place on the ground for this magical transformation to occur.

The SER must explain the statutory and regulatory bases for this transformation.

5. The discussion of whether the FMRI material is hazardous waste contains a statement that the material is not hazardous waste under 40 C.F.R. 261.4(b)(7).

The SER does not quote that EPA regulation, nor does the SER discuss all of the provisions of that regulation and how the FMRI does or does not meet the requirements for the exemption. Additionally, the SER does not discuss whether any exemption under Section 261.4(b)(7) is applicable once the FMRI material has been transported to the IUSA mill for storage and processing. The SER does not explain under what authority the DRC is authorized to make a determination of whether a solid waste is or is not a hazardous waste. There is no indication that the DRC has determined which federal and/or state agency has the authority to determine whether the FMRI material contains listed or characteristic hazardous waste. There is no indication in the SER that the DRC has sought an official opinion by any federal or state authority regarding the presence of hazardous waste in the Pond 2 and Pond 3 materials.

The SER must contain a full explanation of why the FMRI material is exempted from the definition of hazardous waste.

The SER must discuss whether any exemption under Section 261.4(b)(7) is applicable once the FMRI material has been transported to the IUSA mill for storage and processing.

The SER must explain under what authority the DRC is authorized to make a determination of whether a solid waste is or is not a hazardous waste.

6. The SER (page 3) states that "currently, IUSA has 13 license amendments authorizing the mill to receive and process alternate feed materials from various sites." The SER fails to provide information on whether it has received or will receive the materials authorized for receipt. Apparently, the materials from the W.R. Grace and the St. Louis facilities have been disposed of at another facility. It also appears that IUSA will not receive any materials from the Maywood, New Jersey, facility.

The SER must contain information about what material the mill has received and processed, what material is still being received at the mill, what material receipt will be ongoing over a period of years, and what material was not and will not be received at the mill.

C. Section1.3 — FMRI Materials

This section of the Application discusses the FMRI materials and appears to be based solely on information contained in the IUSA Application. That Application contains incomplete information pertaining to the FMRI materials. Additional information regarding the FMRI materials is found within publicly available NRC records that are on the FMRI/Fansteel docket (Docket No. 40-7580). One such record is the Review and Evaluation of Characterization Data Provided for Fansteel Corporation (ICF Report), Muskogee, Oklahoma, submitted to Thomas Fredrichs, U.S. NRC, Prepared by ICF Consulting November 15, 2002 [ML 023510442]. That review and evaluation is based primarily on the Technical Report Remediation Assessment, Fansteel, Inc., by Earth Sciences Consultants, Inc., Volumes I-IV, December 31, 1993.

Comments:

1. The SER states (page 3) states that "in IUSA's March 8, 2005, submittal they state that from 1960 to 1989, Fansteel processed natural ores for recovery of tantalum and niobuim (columbium) at the Muskogee Facility." This statement in the Application is the first of a number of misstatements taken from the Application by the DRC. The 2002 ICF Report states (page 60) "Over the course of Fansteel's operations from 1956 to 1989 (and between 2000 and 2001), ten holding ponds have been used at the site." According to the ICF Report, not only did processing begin in 1956, not 1960, but processing occurred in 2000 and 2001.

The SER should not contain misstatements of fact.

2. The SER (page 3) describes the processes that resulted in the wastes that are in Ponds 2 and 3. There are some pertinent facts that are missing from the discussion.

First, there is the assumption that the DRC has been provided with complete information related to the processing history of the materials in Ponds 2 and 3 and the history of the ponds themselves. However, based on the information contained in the ICF Report, the SER and the IUSA application that it relies upon are woefully incomplete with respect the history of Ponds 2 and 3.

(a) The ICF Review and Evaluation contains the following statements with respect the history of Pond 2:

> There are two types of ponds at the Fansteel site. The first type includes those that were used to store process residues. The second type is those that were and are currently used for wastewater treatment. Ponds N and 1 S, 2, 3 and 5 were principally used to hold processing residues (Ponds 2 and 5 also received wastewater at some point). All of these ponds, with the exception of Pond 3, have been filled in. [page 61]
>
> Pond 2 was used to store acidic ore processing residue from the ore digestion process, including digested ores and slags and fluids comprised

> of hydrofluoric and sulfuric acids and containing MIBK, heavy metals, and radioactive waste. . . . The pond was constructed in 1960 and included a clay liner. It was used to hold process residue until Pond 3 was built in 1979. [Page 62.]

The SER does not mention or take into consideration that Pond 2 received wastewater, in addition to processing residues.

(b) The SER makes no mention of an earlier Pond 3 and a Pond 4. The ICF Report contains the following statements with respect the history of Pond 3:

> Pond 3 also was used to store acidic processing residue from the ore digestion process, including digested ores and slags and fluids comprised of hydrofluoric and sulfuric acids and containing M1BK, heavy metals, and radioactive waste. . . . The original Pond 3 was smaller and occupied approximately the eastern half of its current location. No information was available about whether this pond was lined. The current Pond 3 was expanded in 1979, encompassing most of Pond 4, and a synthetic liner was laid down. [Page 64.]
>
> The areas of Pond 4 that were not incorporated into the new Pond 3 were filled in with soil. It is not clear whether Pond 4 was lined, or what was done with the waste contained in it. However, during the construction of Pond 3, the crews hit the water table in the alluvial soils. As a result, a French drain and sump were set up around the pond. [Page 65.]
>
> In general, the type of waste deposited in the ponds over the last 30 years is known. However, it is not clear whether Fansteel kept historical records for all materials placed in the ponds since the beginning of site activity. For example, the history of Ponds N, I S, and 4 is unclear. Another outstanding question is what was done with residues removed from these ponds. [Page 78.]
>
> Second, it is assumed that when Pond 4 was removed and combined with the newer Pond 3, that the residue and any liner were also removed. However, there is little information about the history of Pond 4 and the soil where it was located has not been sampled. Please see Section 7 for a complete discussion of recommended further soil sampling. [Page 80.]

The SER totally fails to mention the fact that Pond 3 is located where there was a previous Pond 3 and a Pond 4. According to the ICF Report, they have no information regarding the history of Pond 4. In other words, the complete history of the materials in the current Pond 3 is unknown.

In order for the DRC to be able to fully and accurately discuss the history of Ponds 2 and 3, the DRC must obtain a copy of the 2002 ICF Report and the 1993 Technical Report Remediation Assessment.

3. The SER (page 4) states that "the FMRI materials are comprised of the materials stored in on-site Ponds 2 and 3, ancillary drummed material, pond cover soils, pond surrounding soils, and debris that have been impacted by the proposed alternate feed material."

The SER does not contain any data with respect the history and the radiological and non-radiological characteristics of the ancillary drummed material, the pond cover soils, pond surrounding soils, and debris.

The SER must include information about the history of and the radiological and non-radiological characteristics of the ancillary drummed material, the pond cover soils, pond surrounding soils, and debris.

D. Section1.4 — Review Scope: Environmental Analysis

Comments:

1. The SER (page 4) lists 5 purposes that the SER is supposed to serve.

One can only wonder how the SER can serve to properly provide information and analysis and address impacts to health and safety and the environment if the DRC does not have all the pertinent information that is publicly available regarding the history and nature of the FMRI materials. If the data is incomplete and misleading, the SER will be incomplete and misleading.

E. Section 4.0 — Environmental Effects

Section 4.1 — Radiological and Non-Radiological Impacts

Radiological Impacts

Comments:

1. First off, the SER (page 7) errs by misidentifying Ponds 2 and 3 as Ponds 1 and 2 in both the text and table or radiological constituents.

The SER should correctly identify the ponds in the text and table.

2. The SER (page 7) includes a table that supposedly identifies the radiological constituents of the material in Ponds 2 and 3 (erroneously identified as Ponds 1 and 2). The SER states that the information came from the March 8 Application. The SER does not provide any information regarding the basis of this data. The SER fails to identify

when and how the sampling events that resulted in the data took place, The following questions, among others, have not been asked or answered in the SER:

1. Have historical records been kept for all materials placed into the ponds?
2. Has each pond been classified as impacted or non-impacted?
3. Has each pond been appropriately divided into surface and depth sampling grids?
4. Has a sampling plan been prepared for each pond based on the historical knowledge of materials placed in the pond?
5. Does the sampling plan address all analytes of concern?
6. Does the sampling plan address QA/QC requirements?
7. Has sampling been conducted in each pond according to the sampling plan?
8. Are the number and depths of samples taken known for each pond?
9. Is the number of samples equal to or greater than the minimum that would be calculated using land-based management unit characterization methodology?
10. Are the detection limits for each analytical instrument known for each pond?
11. Has sampling been conducted for each pond using appropriate instrumentation with appropriate sensitivity?
12. Has clean soil or bedrock been found below each pond?
13. Has clean soil been found outside the perimeter of each pond?
14. Are all sample results below the action levels.

The SER must substantiate any assertion that the table of radionuclides (page 7) is a complete and accurate characterization of the materials in Ponds 2 and 3.

The table on page 7 should include the standard deviation for each of the data sets. This information is available on the public records for the Fansteel facility and should not have been excluded from the tables for Ponds 2 and 3.

3. The discussion of the radiological impacts contains no information regarding the radiological content of the ancillary drummed material, the pond cover soils, pond surrounding soils, and debris. There is no basis for any assumption that these materials are uranium-bearing materials that can be processed for their source material content.

The SER must contain an assessment of the radiological contents of the ancillary drummed material, the pond cover soils, pond surrounding soils, and debris, that IUSA proposes to receive and process.

The SER must include information about the radiological content of any Pond 4 materials that may be sent to the IUSA mill.

4. The SER (page 7) states that the FMRI is "radiologically consistent with other ores and alternate feeds that have been processed at the White Mesa Mill." The SER contains no information that would provide a basis for that statement. There is no explanation of what the term "radiologically consistent" means or what criteria are used to determine whether one type of material is "radiologically consistent" with another. Since the SER provides no information with respect the radiological characterization of the ancillary drummed material, the pond cover soils, pond surrounding soils, and debris, there is no basis for comparing those FMRI materials with any other materials.

The SER must substantiate with data any assertions regarding radiological consistency.

5. The SER (page 7) states that the FMRI materials will be sealed inside a neoprene liner inside a fabric bag. There is no information regarding how the ancillary drummed material, the pond cover soils, pond surrounding soils, and debris will be packaged. Will the debris fit into the fabric bags? Will the drummed material be transferred to fabric bags? There is no information regarding why the neoprene liner will be adequate to protect the integrity of the fabric bags.

The SER must provide information regarding the shipping and containment of ALL the FMRI materials. The SER must substantiate any assertion that that the neoprene lined fabric bags are appropriate containers for the highly acidic radioactive and hazardous FMRI materials.

6. The SER (page 7) states that the exposure and dose rates from the estimated 32,000 tons of FMRI material was found to approximately the same as that of an equivalent amount of low-grade Colorado Plateau ore.

The SER provides no basis for this statement. There is no comparison of ALL the FMRI materials with Colorado Plateau ore. There is no comparison between the Gross Alpha and Gross Beta levels of the FMRI materials with Gross Alpha and Gross Beta levels of Colorado Plateau ore commonly processed at the IUSA mill. There is no comparison between the total thorium content (thorium-232 and thorium-228) and Colorado Plateau ore. There is no comparison between the radium content (radium-226, radium-228, and radium-224) and Colorado Plateau ore. Based on the table of radiological constituents of Pond 2 and 3, there is an appreciable amount of thorium-232 and its progeny thorium-228 (total thorium). Since Colorado Plateau ore is not a source of thorium-232 and its highly radioactive decay products, it is hard to see how the FMRI materials in Ponds 2 and 3 can have exposure and dose rates that are approximately the same as Colorado Plateau ore.

The SER must substantiate with facts and data the assertion that the dose and exposure rates from the FMRI materials are "approximately the same as that of an equivalent amount of low-grade Colorado Plateau ore."

The SER must include radiological dose and exposure models for the FMRI materials and low-grade Colorado Plateau ore.

The SER must include data on the cumulative radioactive dose from the facility after the disposal of the FMRI materials.

The SER must include a comparison of the gross alpha and gross beta content of the FMRI materials and low-grade Colorado Plateau ore.

The SER must be based on a risk assessment associated with the disposal of materials other than natural ore in license uranium recovery facilities.

7. The SER (page 7) also includes a table comparing various percentages of U_3O_8 and Th-232. The relevance of this information is not indicated in the SER. The data is in the form of a percentage. The SER does not explain the relevance of the comparison of the some of the FMRI material with the W.R. Grace and Maywood material. The W. R. Grace material was disposed of at another site and it is doubtful that the Maywood material will be processed by IUSA. The table does not provide any information regarding the original basis of this information. The table only references the Th-232 concentration, rather than the total thorium (thorium-232 and thorium-228).

The SER should explain the relevance of the concentration table, explain the relevance of information related to materials that have not been shipped to the IUSA uranium mill, include data on all of the FMRI material that has been proposed to be shipped, and consider the total thorium content of any materials.

8. The SER fails to mention that IUSA has a Standard Operating Procedure (SOP) for the handling of high thorium content (thorium-232 plus thorium-228) materials (December 18, 2000). The SER fail to address whether this SOP would be used for the handling of the FMRI materials.

The SER should address whether IUSA will use the high thorium content SOP for the handling of the FMRI materials and the basis for that determination.

9. The SER fails to address cumulative radiological impacts associated with the processing and disposal of the FMRI materials along with the numerous other so-called alternative feed materials whose environmental impacts have never been assessed.

The SER must identify and access and cumulative radiological impacts associated with the processing and disposal of the FMRI materials and ALL of the non-ore materials that have been processes and disposed of at the IUSA mill.

F. Section 4.0 — Environmental Effects

Section 4.1 — Radiological and Non-Radiological Impacts
Non Radiological Impacts

Comments:

1. The SER (page 7) references the Radioactive Material Profile Record. This record contains information about Ponds 2 and 3. There is no information about the non-radiological characteristics of the ancillary drummed material, the pond cover soils, pond surrounding soils, and debris.

The SER must include complete and credible information regarding the non-radiological constituents of the ancillary drummed material, the pond cover soils, pond surrounding soils, and debris.

The SER must include information about the non-radiological constituents of any Pond 4 materials that could be sent to the IUSA mill.

2. The SER (page 8) in the discussion of Resource Conservation and Recovery Act (RCRA) Listed Materials Analysis states that "as stated in Section 1.3, the FMRI material I the result of ore processing, therefore no listed RCRA material is presented because it is exempt under 40 CFR 261.4(b)(7)."

The SER does not mention that tin slag was processed at the Muskogee Facility. Additionally, the SER does not discuss whether the ancillary drummed material, the pond cover soils, pond surrounding soils, and debris are the result of ore processing.

The SER must address whether the materials in Pond 4 and the ancillary drummed material, the pond cover soils, pond surrounding soils, and debris are exempt under 40 C.F.R. 261.4(b)(7).

The SER must consider the information that Pond 2 was possibly used for materials from wastewater treatment.

3. The SER (page 8) does not explain exactly what the FMRI material is exempted from. The SER does indicate the authority under which the DRC is authorized to make a determination whether a material is exempted from the definition of hazardous waste under 40 C.F.R. 261.4(b)(7). The SER does not set forth provisions of Section 261.4(b)(7) and explain why the material in Ponds 2 and 3 meet the exemption provisions of this regulation. The SER does not explain why ALL the FMRI materials meet the requirements for the Section 261.4(b)(7) exemption. The SER does not provide any information about how such an exemption (if applicable to the material at the Muskogee Facility) would apply to the FMRI materials should the materials be transferred to the IUSA mill for storage and processing.

The SER must document why ALL the FMRI materials are not hazardous waste under the Section 261.4(b)(7) exemption. This must include information regarding 1) whether less than 50 percent of the feed stocks on an annual basis were from secondary sources, 2) Determine where in the sequence of operations beneficiation ends and mineral processing begins (i.e., were the materials the result of beneficiation or a mineral processing operation), and 3) determine whether it is one of the 20 special wastes from mineral processing listed in Section 261.4(b)(7)(ii).

11. The SER (pages 7 and 8) under provides a list of various non-radiological constituents contained in the FMRI material. Again, there is no information regarding whether this data also applies to the ancillary drummed material, the pond cover soils, pond surrounding soils, and debris. There is no information in the SER regarding exactly where this information came from and why this is complete and credible data with respect the non-radiological constituents of all of the FMRI materials.

The SER must explain why the data regarding the non-radiological constituents of the FMRI material is a complete and credible analysis of ALL the FMRI materials.

4. In the discussion of Radiological Impacts, above, there is a list of questions regarding the history and sampling of the ponds at the Muskogee Site. These questions are also applicable to non-radiological evaluation of the materials in Ponds 2 and 3 and any additional FMRI materials.

5. The SER (page 9) states "there must may be some residual methyl isobutyl ketone (MIBK) in the FMRI material."

There is no "may" about it.

The ICF Report, Table 26, lists three non-radioactive contaminants in Pond 2: chromium, MIBK, and pH. The table is based on a series of sampling events conducted at the Muskogee Facility and included in the 1993 Technical Report Remediation Assessment. The table indicates that where mixed waste is found, MIBK must be treated to 33 mg/kg (40 C.F.R. 268.48). The table shows the MIBK content of the top, middle, and bottom Pond residues for three borehole samples (P2-1, P2-2, P2-3). The results of the nine Pond 2 samples range from 43 to 490 mg/kg of MIBK. Top level average: 78 mg/kg, middle third average: 240 mg/kg, bottom third average: 313 mg/kg of MIBK.

The table for the three levels of the 5 borehole samples of Pond 3 indicates a range of MIBK contamination of from 34 to 1300 mg/kg. Top third average: 275 mg/kg, middle third average: 718 mg/kg, and bottom third average: 566 mg/kg of MIBK.

The SER's discussion of the MIBK content of ALL of the FMRI materials should be complete, verifiable, and accurate.

6. The SER lacks a discussion of the leachable chromium content of the Pond 2 and Pond 3 materials and the Ph. The ICF Report, Table 26 (page 64) and Table 28 (page 67) list the chromium levels in a total of 23 samples. The average for the top third of Pond 2

was 14 mg/l (7.2, 15, and 20 mg/l), which is more than the 5mg/l permitted level. The average chromium level in the top, middle, and bottom thirds of Pond 2 are 8.3, 8.8, and 18 mg/l. The 2002 ICF Consulting report (page 78) states: "The two process residue ponds sampled, Ponds 2 and 3, were found to have radioactivity above NRC regulatory limits. Leachable chromium at levels considered characteristically hazardous indicates that residue from Ponds 2 and 3 will classify as mixed waste (both hazardous and radioactive)."

The SER should contain a discussion of the leachable chromium content of Ponds 2 and 3 and the other FMRI materials.

The SER should explain why the DRC believes that, even though Ponds 2 and 3 contain leachable chromium at levels considered characteristically hazardous, this does NOT indicate that residue from Ponds 2 and 3 will classify as mixed waste (both hazardous and radioactive).

7. The SER (page 9) states that the DRC submitted a May 16, 2005, request for additional information. There is a list of information that was submitted by IUSA in response. There is no discussion in the SER of any DRC review of the IUSA response in order to determine whether the IUSA response has a basis in fact and that the DRC agrees with the IUSA statements.

The SER should contain an evaluation of the IUSA statements, not just a reiteration of those statements.

8. The SER provides no information regarding where the data pertaining to the non-radioactive constituents of the materials in Ponds 2 and 3 originated.

The DRC should have required IUSA to identify the original source of all data and all information regarding the collection of that data.

The SER must identify the original source of all data pertaining to the non-radiological constituents of the materials in Ponds 2 and 3.

9. The SER fails to address cumulative non-radiological impacts associated with the processing and disposal of the FMRI materials along with the numerous other so-called alternative feed materials whose environmental impacts have never been assessed.

The SER must identify and access and cumulative non-radiological impacts associated with the processing and disposal of the FMRI materials and ALL of the non-ore materials that have been processes and disposed of at the IUSA mill.

G. Section 4.2 — Surface and Groundwater Effects

Comments:

1. The SER discusses the use of fabric bags to ship and store the FMRI materials. There is no discussion of how the debris and barreled materials will be shipped and stored. There is no discussion of the basis for any determination that the fabric bags will be adequate containment of the stored materials. There is no indication of how long the material will be stored at the IUSA facility. There is no discussion of the leachable chromium content of the materials in Ponds 2 and 3 and how the bags and leakage response plan will prevent impacts from the release of materials with a leachable chromium content.

The SER must include a more complete assessment of the means of storage, leak detection system, and ability to response to and adequately address leaks, including the leaks of leachable chromium.

2. The SER fails to identify and address the cumulative impacts to site of the disposal of the tailings from the processing of ALL of the FMRI materials.

The SER must identify and evaluate the cumulative environmental impacts from the disposal of the FMRI materials after processing.

3. The SER (page 12) lists several metals, including niobium and tantalum, that were not required as groundwater monitoring parameters in the IUSA Groundwater Discharge Permit. The SER concludes that, though they have not been quantified in the mill's tailing cells, all were eliminated for monitoring consideration because of high Kds ranging from 40 to 1500 L/kg (Colsman September 9, 2005). The SER fails to discuss whether any of these contaminants have been identified as dissolved metals down gradient from Ponds 2 and 3 in monitoring wells at the FMRI facility. The presence of any of these dissolved metals would indicate that such metals have dissolved and contaminated groundwater.

At the Fansteel site, monitoring well MW-73 S is down gradient from Pond 2 and MW-74 S is down gradient from Pond 3. Columbium (niobium) shows up as 1,400 µg/l in MW-73 S and 1,500 µg/l in MW-74 S. Tantalum shows up as 900 µg/l in MW-73 S and 800 µg/l in MW-74 S. This data appears to indicate that dissolved niobium and tantalum has entered groundwater from the Ponds 2 and 3 materials. This information is contained in the 2002 ICF Consultants Report, cited above.

Additionally, the methyl isobutyl ketone (4-methyl 2-pentanone) shows up as 80,500 µg/l in MW-73 S (average of two samples) and 83,000 µg/l in MW-74 S. Has the DRC underestimated the concentration and mobility of MIBK?

The SER must address this additional information when determining whether niobium and tantalum from Ponds 2 and 3 are unlikely to show up in groundwater as dissolved metals.

4. The SER does not include any information on the non-radiological constituents of ALL the FMRI materials (including materials in Pond 4 that went into Pond 3).

The SER and the DRC staff must consider the chemical constituents in ALL of the FMRI materials, not just the chemical constituents of some of the materials.

H. Section 4.3 — Evaluation of Additional Groundwater Monitoring Compliance Parameters

This section of the SER relies upon Attachment 5 of the March 8 Application, Table 2 "Comparison of Uranium Materials Alternate Feeds."

Comments:

1. The Table 2 "Comparison of Uranium materials Alternate Feeds." provides no information regarding the basis of the information contained in the table. Additionally, there is no information regarding the constituents in the ancillary drummed material, pond cover soils, pond surrounding soils, and debris from the FMRI site.

2. The SER does not refer to the Utah groundwater regulations as a basis for the Groundwater Discharge Permit changes.

I. Section 4.4 — Alternatives

The SER (page 14) asserts that, because there are no significant environmental impacts associated with the proposed action, there is no need to identify and evaluate other alternatives. The SER fails to provide any reference to any regulation or policy that states that no alternatives need be considered if there are no significant impacts associated with a proposed action.

The SER must include a regulatory basis for exempting this proposed action from any consideration of other alternatives because there appear to be no significant impacts.

J. Section 4.5 — Long Term Impacts

1. The SER states that, "in general, the FMRI material has similar radiological and non-radiological properties to other alternate feeds and natural ores that have already been processed by IUSA." The SER fails to discuss what "in general" means. The SER fails to identify the criteria that were used by the DRC in determining whether the FMRI materials in Ponds 2 and 3 were "in general," similar radiologically and non-radiologically to natural ores and alternate feeds already processed by IUSA. There is good reason to believe that for a number of parameters the component of the FMRI

materials that the DRC has data for significantly different from other materials processed by IUSA. The SER provides no comparisons of the radiological content of the FMRI Ponds 2 and 3 materials with the other materials processed by IUSA in support of the assertion of similarity. There is no comparison of the gross alpha and gross beta content in the Ponds 2 and 3 materials with the other materials processed at the IUSA uranium mill. The table on page 7 of the SER compares the FMRI with materials that were not processed at the mill. The only other comparisons are with the Heritage materials and Colorado Plateau ore. Only the Heritage materials contained source material thorium. Both the Heritage materials and the FMRI materials are significantly different from all other materials processed by IUSA in that they contain source material thorium. IUSA does not have a license to possess source material thorium.

The SER does not contain a comparison of the radium-228 and radium-226 content of the FMRI materials and other materials processed by IUSA.

The SER fails to discuss the fact that the thorium-232 decay series is more highly radioactive than the uranium-238 decay series. The SER fails to discuss the fact that the FMRI material contains radium-228 and radium-224 as a result of the decay of thorium-232. The SER fails to discuss the fact that both radium-228 and radium-224 are much more highly radioactive than radium-228, the progeny of uranium-238. The SER fails to discuss the fact that radon-226 from the decay of radium-224 (thorium-232 series) is more highly radioactive than radon-222 from the decay of radium-226 (uranium-238 series).

The SER must provide data substantiating the assertion that ALL of the FMRI materials (including the ancillary drummed material, the pond cover soils, pond surrounding soils, and debris) are radiologically similar to all the materials previously processed by IUSA. This must include comparisons of the gross alpha and gross beta amounts. The SER must provide references to any of the data in the comparisons.

2. The table in Section 7.0 of the SER provides a comparison of various non-radiological constituents in some of the FMRI materials and the materials in the tailings impoundments. That table indicates that for a number of constituents the concentration in the tailings will increase dramatically as a result of the processing of the Ponds 2 and 3 FMRI materials. Considering that the current tailings contain a far greater volume that the proposed FMRI materials, this indicates that for these toxic non-radiological constituents, the FMRI materials are far more concentrated than the existing tailings. After the processing, the concentration of barium, beryllium, cadmium, calcium, chromium, fluoride, manganese, molybdenum, silicon, thorium-232, tin, titanium, zirconium, and methyl isobutyl ketone (MIBK) will ALL more than double the previous concentration in the tailings.

The data clearly indicates that the non-radiological constituents are not generally similar to materials previously processed.

The SER fails to compare the concentration of non-radiological constituents of the Ponds 2 and 3 FMRI materials with the materials previously processed.

The SER must provide data substantiating the assertion that ALL of the FMRI materials (including the ancillary drummed material, the pond cover soils, pond surrounding soils, and debris) are non-radiologically similar to all the materials previously processed by IUSA.

3. The SER (page 14) addresses surety issues in the event that the IUSA uranium mill would close prior to the processing of the FMRI materials. The SER states that "if this scenario were to happen, the fabric-bagged FMRI material would likely be hauled to the disposal cell and disposed of directly into Tailings Cell 3." The SER does not mention what would happen to materials not in fabric bags.

The SER provides no basis for the assumption that the FMRI could, legally, be disposed of in a disposal cell if it is not processed. Here, the SER fails to consider the fact that the Ponds 2 and 3 FMRI materials are characteristic hazardous waste and would, very likely, need to be disposed of at a site that is licensed to dispose of mixed radioactive and hazardous waste. The IUSA mill is not such a mixed waste facility.

The SER must consider the cost of the disposal of the FMRI materials at a facility licensed to dispose of mixed radioactive and hazardous waste. The surety must be increased in order to cover the cost of such disposal.

II. <u>The SER Review of the March 8, 2005, Application</u>

Comments:

1. The SER fails to address the incompleteness and veracity of the March 8 IUSA Application. The Application contains numerous unsubstantiated assertions that the DRC has not verified. The NRC regulations at 10 C.F.R. Part 40 that have been incorporated into DRC regulation require:

> Sec. 40.9 Completeness and accuracy of information.
>
> (a) Information provided to the Commission by an applicant for a license or by a licensee or information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the applicant or the licensee shall be complete and accurate in all material respects.

40 C.F.R. Section 40.10 discusses "deliberate misconduct" by the licensee in submitting incomplete and inaccurate information to the regulating agency.

2. The Application states in Section 4.1 Environment Affected-General that "the Mill is a licensed uranium processing facility that has processed to date approximately 4,000,000 tons of uranium-bearing conventionally mined ores and alternate feed materials primarily

from the recovery of uranium, with the resulting tailings being permanently disposed of as [Uranium Mill Tailings Act of 1978, Section] 11e.(2) byproduct material in the Mill's tailings impoundments. Environmental impacts associated with such previously licensed Mill operations have been thoroughly evaluated and documented in the past...." The statement goes on to list the original 1979 Environmental Statement (ES), and various Environmental Assessments.

The statement that the "environmental impacts associated with such previously licensed Mill operations have been thoroughly evaluated and documented in the past," is totally false. Most of the alternate feed material processed and disposed of at the facility did not go through any environmental evaluation whatsoever. The processing of alternate feed was not assessed in either the NRC generic Environmental Impact Statement, or in the 1979 site-specific ES, or in any other NRC Environmental Assessment. Only two Environmental Assessments for the processing and disposal of alternate feed material have been conducted. For the other amendments related to authorization to receive alternate feed materials no Environmental Assessment was conducted. Therefore, for most of alternate feed materials received at the IUSA mill the environmental impacts were neither evaluated nor documented. Additionally, there has been no assessment of the cumulative effects of disposing of the alternate feed materials as required by the National Environmental Policy Act.

3. The Application, in Section 3.3 and in the memorandum from the independent consultant (Jo Ann Tischler) reviewing the chemical contaminants in the FMRI material to determine the potential presence of RCRA characteristic or listed hazardous waste (Attachment 4), provides various reasons why the FMRI material are not subject to RCRA as a hazardous waste. For example, the Memorandum states that the FMRI material is not solid waste because it is source material. This statement is incorrect, because only the uranium and thorium radioactive components in the FMRI materials are source material. The non-radioactive components are solid waste and must be evaluated separately to determine whether or not they contain hazardous waste and are subject to EPA regulation because the material is mixed waste.

The SER fails to adequately review and evaluate these assertions related to the question of the presence of hazardous waste in the FMRI materials.

The SER fails to address under what authority either the applicant or the DRC is authorized to make legal determinations with respect the implementation of EPA regulations.

4. The Application contains data and information related to Pond 5 at the FMRI site. This data and information is extraneous, misleading, and confusing because no materials from Pond 5 have been proposed to be shipped to the IUSA mill. This data should not have been included and discussed within the Application.

5. The Application addresses incremental impacts associated with the proposed amendment request, but fails to address any of the cumulative impacts associated with the proposed amendment.

The SER should have included information on the cumulative impacts associated with the proposed amendment.

6. The Application and its attachments rely on FMRI documents that are insufficiently identified and were not submitted to the DRC. The only basis in Fansteel records for the characterization of the Ponds 2 and 3 materials is the 1993 Technical Report Remediation Assessment. The Application fails to identify that document or that any of the data in the Application originated in that document.

7. The Application is incomplete because fails to include any information related to the characteristics and history of the ancillary drummed material, the pond cover soils, pond surrounding soils, and debris that are proposed to be processed at the IUSA mill.

The DRC should have required the applicant to provide complete and accurate information on all of the materials that IUSA proposes to receive, process, and dispose of.

III. The SER fails to include appropriate references to statutes and regulations.

1. The SER fails to reference any statutory or regulatory basis for uranium mills being able to engage in activities other than the milling of conventionally mined uranium ore.

2. The SER relies on a statement from the State's Final Application for Uranium Mills and Mill Tailings and an NRC policy guidance document, Regulatory Issue Summary 2000-23, and three criteria within RIS as the basis for permitting IUSA to process feed material other than natural ore. The SER fail to provide any bases from either NRC or EPA regulation or the Atomic Energy Act of 1954, as amended by the Uranium Mill Tailings Radiation Control Act of 1978, for the proposed licensing activity.

3. Utah statute at Section 19-3-103.7 of the Utah Code (Prohibition of certain radioactive wastes) states:

> No entity may accept in the state or apply for a license to accept in the state for commercial storage, decay in storage, treatment, incineration, or disposal:
>
> ***
>
> (2) radioactive waste having a higher radionuclide concentration than the highest radionuclide concentration allowed under licenses existing on February 25, 2005, that have met all the requirements of Section 19-3-105.

The SER fails to consider whether the radioactive waste that IUSA proposes to receive and dispose of meets the requirements of this statute.

4. The FMRI facility is licensed to possess source material uranium and source material thorium (thorium-232 and its progeny). However, the IUSA is only licensed to possess source material uranium. If IUSA intends to possess source material thorium, then IUSA's license must be amended to indicate that the type of source material is it permitted to possess includes uranium AND thorium. The Applicant failed to properly request such an amendment to its license.

IV. In Sum

The DRC should not approve the IUSA application to process the FMRI materials for the reasons outlined above.

Thank you for providing this opportunity for public comment.

Sarah M. Fields
Vice-Chair
Nuclear Waste Committee
Glen Canyon Group/Sierra Club
P.O. Box 143
Moab, Utah 84532

From: William E Love <sombra@frontiernet.net>
To: "Loren Morton" <lmorton@utah.gov>
Date: 11/10/2005 11:48:08 AM
Subject: Public Hearing FMRI Material to IUC.

Loren- I will mail a copy of this letter to the DRC. I will also send letters asking for standing in the FMRI licence amendment, and a GRAMA request for all information in the near future.

Division of Radiation Control
PO 144850
Salt Lake City, UT. 84114-4850

Subject: Public hearing per R313-17-3

I request a public hearing under Utah Administration Code R313-17-3 for the amendment to IUC's license NO. UT1900479 for the processing of alternative feed material from FMRI.

The DRC states that the material contains "radiological and non radiological constituents that have a potential to impact public health and the environment." The relationship that this alternative feed has to the critical wildlife habitat for big game next to the IUC Mill will be a major issue at the hearing.. This area has been designated by the Utah DWR as critical and high value big game habitat. I will be affected when I hunt near the Mill Site

Transportation of the material in Southeast Utah is a concern for residents who live near the transportation route and the municipalities through which the material will be transported. Cleanup procedures need to be distributed to all municipalities that may be affected by accident in the area.

RCRA, EPA, or other chemical analyses will be an important issue at the hearing.

The storage of the material at the IUC mill and possible pollution through wind transportation or water transportation is a major issue for me, the Ute Indian Reservation, and municipalities in the area.

The DRC needs to provide the public with all available information about the material from the EPA, IUC or any other source that will help the public evaluate this license change at least 30 days before the hearing.

Sincerely:

William E. Love

2871 E. Bench Rd.
Moab, Utah 84532
435- 259-4626

>>> William E Love <sombra@frontiernet.net> 11/10/05 1:34 PM >>>

Division of Radiation Control
PO 144850
Salt Lake City, UT 84114-4850

Subject: Request for Standing IUC License NO. UT1900479 Amendment for FMRI Material.

I request standing in the process of approving the amendment to IUC's license NO. UT1900479 for the processing of FMRI waste from the Muskogee Facility. My health, my family health and part of my livelihood is affected by the operation of the IUC Mill in Blanding.

I have hunted, hiked, drank surface water, and visited the area around the White Mesa Mill owned by IUC almost every year that I have resided in Utah and expect to do the same in the future.

My health and recreational activity will be affected by the shipment, storage, and processing of the FMRI waste. My family and my health would be affected by eating contaminated big game or drinking contaminated water that comes from the area.

Utah's Department of Wildlife has data classifying the area that I use as high value or critical habitat for winter deer range. Contamination of the area will destroy my use and the use by thousands of Utah hunters.

I depend on meat from hunting to provide me and my family with part of our livelihood.

Utah State Water Rights Department date shows that pollution in ground water from the plant has only to move 2 to 4 miles before the pollution reaches the ground surface in springs and seeps that will endanger my health and recreation.

IUC has a common practice of dumping waste directly on the ground for extensive periods of time, which may allow rain to wash chemicals from the waste into the stream beds and washes that I use for recreation.

The NRC gave me standing for the Molycorp waste processed at IUC several years ago. The reasons, listed above, for which I receiving standing from the NRC have not changed.

Sincerely:
William E Love
2871 E. Bench Rd.
Moab UT. 84532

>>> William E Love <sombra@frontiernet.net> 11/10/05 3:31 PM >>>
>http://www.nrc.gov/info-finder/decommissioning/complex/fmri-fansteel-inc.html
>
>The web site above is from the NRC and gives some of the chemicals in the
>FMRI site. IUC is not allowed to take many RCRA chemicals and store them
>in their ponds. This site mentions arsenic as a chemical in the FMRI
>waste. What is the percent of arsenic, the chemical formulation,and will
>RCRA allow IUC to store the arsenic in their ponds? This is the type of
>question that the file in the Moab library will help answer.
>
>
>

From: "Ken Sleight" <kensleight@frontiernet.net>
To: "Loren Morton" <lmorton@utah.gov>, "Dane Finerfrock" <dfinerfrock@utah.gov>
Date: 12/22/2005 5:08:16 PM
Subject: IUC - Fanteel license amendment

Dear Dane and Loren,

As public comments are due by Thursday, January 5, 2006, regarding the IUC License Amendment, the time is short. I find that the public has not had sufficient time to study important documents - mainly because they are unaware of them. If the public hasn't the publications in hand to study, how is it to respond?

As no public hearings are to be conducted in the Navajo or Ute Reservations this is of even greater critical importance. Especially healthwise - as there are many victims from radiological poisonings of past years. We should not discriminate against our Native American peoples and we should do all in our power to see that they are included in the process. Again, it's a matter of racial and environmental justice.

Especially is this matter of grave importance especially in San Juan County and the Navajo Reservation where distances are long and people are so isolated. In their case, no less than 90 days comment period should be instituted. At least 180 days would be much preferable. I again ask for an extension of time as recently requested.

We understand that all comments received will be considered in the formulation of your final determinations. However, does this mean then that those who were unaware of the hearing, or those who could not answer due to the unavailabity of documents, or those unable to attend the one hearing, or those unable to attend because of illness or probable inclement weather will be penalized because they did not meet the dreadfully short Jan 5 deadline?

We request your immediate attention. Please send the literature and information that you have for inspection in your office on this matter- to all libraries, schools, chapter houses, government offices, and to all other requesting groups and individuals that reside in our far-flung area.

Also too, this same information should also be sent to news outlets spread throughout our region - including the Navajo and Ute Reservations. This should be done without charge. I will be glad to supply you their addresses.

Where else are these documents to be presently found? Have copies been placed at libraries or offices in Grand County, San Juan County, White Mesa, the Navajo Nation or at the Chapter House at Aneth? If not, please advise.

Please send a copy of each of the related documents, without charge, to my office for our own inspection and study. (To Ken Sleight, Chairman. Glen Canyon Group, Sierra Club, Pack Creek Ranch, 333 Abbey Road, Moab, Utah 84532)

Copies that we desire sent to the above entities include (1) the Application by International Uranium for an amendment to its license regarding this matter, and (2) the draft Safety Evaluation Report, and (3) other related documents that are located at your offices for public inspection regarding this matter..

Thank you for your consideration of this and former requests..

Ken Sleight

Ken Sleight, Chairman, Glen Canyon Group, Sierra Club, Nuclear Waste Committee.

A copy of this letter to Mark Maryboy, Navajo Nation Tribal Council

CC: "John Weisheit" <john@livingrivers.org>, "Sarah M. Fields" <sarahmfields@earthlink.net>, "Ken Sleight" <kensleight@frontiernet.net>, "Greg Henning" <greghenning@comcast.net>, "William Love" <sombra@frontiernet.net>
gggg